

REMARKS

In the Office Action mailed August 18, 2008 the Office noted that claims 1-15 were pending and rejected claims 1-15. Claims 1-5 and 7-13 have been amended, claims 6, 14 and 15 have been canceled, claims 16-18 have been added, and, thus, in view of the foregoing claims 1-5, 7-13 and 16-18 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bonadio, U.S. Patent Publication No. 2001/0037053. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Bonadio discusses a device to move tissues apart and protect the edge of the incision. No vascular use is suggested or possible by the Bonadio device for it requires an incision and therefore a direct surgical access. The Bonadio device cannot be used in a percutaneous way.

On page 2 of the Office Action, it is asserted that Bonadio, element 1, Fig. 1 discloses an occlusive device.

However, the Applicant has amended claim 1 to recite "[a] **vascular** occlusion device comprising: an occlusive device having a hollow cylindrical element (1) that can be twisted to its axis to create a striction zone, comprising a transverse

compression deformable body (2) applied to the inner wall of the cylindrical element (1), and comprising a through hole (3) according to axis (4) of the cylindrical element (1).” (Emphasis added) Support for the amendment may be found, for example, in ¶ 0001 of the published version of the Specification.

Bonadio ¶ 0001 states in part “the invention relates to devices for retraction of an incision or natural body opening during surgery and for protecting the edges or incision from infection or tumor seeding during surgery.”

Thus, it is clear that Bonadio does not disclose a device with a vascular application so that it does not enter into the same technical domain as those of the claim.

On page 2 of the Office Action, it is asserted that Bonadio, Fig. 2, element 11(b) discloses “a transverse compression deformable body (2) applied to the inner wall of the cylindrical element (1),” as in claim 1.

However, Bonadio does not disclose any deformable body in a transverse compression. Instead, the part 11(b) is not a deformable element in a transverse compression. The effort exerted by the part 11(a) on the part 11(b) leads to effectively deform the web 11(b) by a flexion or traction effect but does not deform the web 11(b) in a transverse compression.

For at least the reasons discussed above, claim 1 and the claims dependent therefrom are not anticipated by Bonadio.

On page 3 of the Office Action, it is asserted that

Fig.2, element 11(b) discloses "the deformable body (2) is attached to the inner wall of the cylindrical element (1)," as in claim 2.

However, the web 11(b) is not attached to the web 11(a) such that the deformable body is attached to the inner wall of the cylindrical element.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bonadio in view of Rhodes, U.S. Patent No. 5,843,160. The Applicants respectfully disagree and traverse the rejection with an argument.

Rhodes discusses aortic endo prosthesis in three pieces whose objective is to treat aneurisms and stenoses. The shape of the device (three parts with branching) differs from the features recited in the claims. Further, the device of Rhodes attempts to avoid vascular occlusion.

One of ordinary skill in the art would have not looked to a non-vascular instrument such as Bonadio and then the endo prosthesis trying to avoid the occlusion phenomena of Rhodes. The combination of the two references fails to render obvious the features of claims 8-10.

Additionally, neither Bonadio nor Rhodes discloses "a

transverse compression deformable body (2) applied to the inner wall of the cylindrical element (1)," as in claim 1.

Claims 11-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bonadio in view of Janzen, U.S. Patent No. 7,008,439. The Applicants respectfully disagree and traverse the rejection with an argument.

Janzen discusses a simple valve with a deformation in torsion and not a vascular occlusion device presenting a deformable element in a transverse compression.

As discussed above, one of ordinary skill in the art cannot start with the non relating teachings of Bonadio to combine with other references to disclose features of the claims.

For at least the reasons discussed above, Bonadio and Janzen, taken alone in combination, fail to render obvious the features of claims 11-13.

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bonadio in view of Quinn, U.S. Patent No. 4,580,573. The Applicants respectfully disagree and traverse the rejection with an argument.

Claims 14 and 15 have been cancelled.

Withdrawal of the rejections is respectfully requested.

#### NEW CLAIMS

Claims 16-18 are new. Support for the claims may be found, for example, ¶ 0054 of the published version of the

Specification. The Applicant submits that no new matter has been added by the inclusion of claims 16-18. The prior art of record fails to disclose "the polymer material has shape memory properties; the expanding elements are self-expanding frames; and further comprising a Nitinol® based metallic frame having a first central zone constituting the cylindrical element and two zones around the first zone, said two zones constituting expanding elements.

For example, element 11b of Bonadio has no shape memory properties.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1-5, 7-13 and 16-18 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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